

Chapter 1

INTRODUCTION

I. Purpose.

This Instruction cancels and replaces IOSH Instruction IACPL 02-00-148, Iowa Field Operations Manual (FOM), issued January 29, 2010, which replaced IOSH Instruction IACPL 2.103, Iowa Field Inspection Reference Manual (FIRM), issued August 1, 2004. This Instruction also replaces two of the three remaining parts of the prior Federal Field Operations Manual (CPL 02-00-045) that are still in effect. This FOM is a revision of Iowa OSHA's enforcement policies and procedures as stated in the FIRM, which provides the office a reference document for identifying the responsibilities associated with the majority of our inspection duties.

II. Scope.

This Instruction applies to Iowa OSHA operations.

III. References. (References will be considered updated as adopted by Iowa OSHA)

- A. [Title 5 United States Code 504](#), The Equal Access to Justice Act.
- B. [Title 18 United States Code 601](#), Small Business Regulatory Enforcement Fairness Act.
- C. [Title 18 United States Code 1905](#), Disclosure of Confidential Information.
- D. [Title 28 United States Code 2412](#), Rules Implementing the Equal Access to Justice Act; Costs and Fees.
- E. [Title 29 United States Code 651](#), Occupational Safety and Health Act of 1970.
- F. [Title 29 United States Code 1802](#), Migrant and Seasonal Agricultural Worker Protection Act.
- G. [Title 31 United States Code 3717](#), Debt Collection Improvement Act.
- H. [Title 39 United States Code 101](#), The Postal Employee Safety Enhancement Act of 1998.

- I. [29 Code of Federal Regulations 2.21 and 2.22](#), Employees Served with Subpoenas.
- J. [29 Code of Federal Regulations Part 20](#), Federal Claims Collection.
- K. [29 Code of Federal Regulations 500.132](#), Applicable Federal Standards: ETA and OSHA Housing Standards.
- L. [29 Code of Federal Regulations Part 654](#), Social Responsibilities of the Employment Service System.
- M. [29 Code of Federal Regulations 1903.6](#), Advance Notice of Inspections.
- N. [29 Code of Federal Regulations 1903.14](#), Policy Regarding Employee Rescue Activities.
- O. [29 Code of Federal Regulations 1903.19](#), Abatement Verification.
- P. [29 Code of Federal Regulations 1904.39](#), Reporting Fatalities and Multiple Hospitalizations to OSHA.
- Q. [29 Code of Federal Regulations Part 1908](#), Consultation Agreements.
- R. [29 Code of Federal Regulations Part 1910](#), Occupational Safety and Health Standards.
- S. [29 Code of Federal Regulations Part 1915](#), Occupational Safety and Health for Shipyard Employment.
- T. [29 Code of Federal Regulations Part 1926](#), Safety and Health Regulations for Construction.
- U. [29 Code of Federal Regulations Part 1928](#), Occupational Safety and Health Standards for Agriculture.
- V. [29 Code of Federal Regulations Part 1960](#), Basic Program Elements for Federal Employee Occupational Safety and Health Programs.
- W. [29 Code of Federal Regulations 1975.4\(b\)\(2\)](#), Coverage – Agricultural Employers.
- X. [29 Code of Federal Regulations Part 2200](#), Rules of Procedure.
- Y. [40 Code of Federal Regulations Part 170](#), Worker Protection Standard.

- Z. Housing for Agricultural Workers: Final Rule, *Federal Register*, March 4, 1980 (45 FR 14180).
- AA. Incorporation of General Industry Safety and Health Standards Applicable to Construction Work, *Federal Register*, August 12, 1996 ([61 FR 41738](#)).
- BB. Delegation of Authorities and Assignment of Responsibilities to the Assistant Secretary for Employment Standards and Other Officials in the Employment Standards Administration, *Federal Register*, January 2, 1997 ([62 FR 107](#)).
- CC. Safety and Health Program Management Guidelines; Issuance of Voluntary Guidelines, *Federal Register*, January 16, 1989 ([54 FR 3904](#)).
- DD. Final Rule on State Plans Coverage of the U.S. Postal Service (*Federal Register*, June 9, 2000 ([65 FR 36618](#))).
- EE. Final Policy Concerning the Occupational Safety and Health Administration's Treatment of Voluntary Employer Safety and Health Self-Audits, *Federal Register*, July 28, 2000 ([65 FR 46498](#)).
- FF. Secretary's Order 5-2002; Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Occupational Safety and Health, *Federal Register*, October 22, 2002 ([67 FR 65007](#)).
- GG. OSHA Instruction [ADM 01-00-003](#), Redelegation of Authority and Responsibility of the Assistant Secretary for Occupational Safety and Health, March 6, 2003.
- HH. OSHA Instruction [ADM 03-01-005](#), OSHA Compliance Records, August 3, 1998.
- II. OSHA Instruction [CPL 02-00-025](#), Scheduling System for Programmed Inspections, January 4, 1995.
- JJ. OSHA Instruction [CPL 02-00-028](#), Compliance Assistance the Powered Industrial Truck Operator Training Standards, November 30, 2000.
- KK. OSHA Instruction [CPL 02-00-051](#), Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998.
- LL. OSHA Instruction [CPL 02-00-080](#), Handling of Cases to be Proposed for Violation-By-Violation Penalties, October 21, 1990.

- MM. OSHA Instruction [CPL 02-00-090](#), Guidelines for Administration of Corporate-Wide Settlement Agreements, June 3, 1991.
- NN. OSHA Instruction [CPL 02-00-094](#), OSHA Response to Significant Events of Potentially Catastrophic Consequences, July 22, 1991.
- OO. OSHA Instruction [CPL 02-00-098](#), Guidelines for Case File Documentation for use with Videotapes and Audiotapes, October 12, 1993.
- PP. OSHA Instruction [CPL 02-00-111](#), Citation Policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
- QQ. OSHA Instruction [CPL 02-00-120](#), Inspection procedures for the Respiratory Protection Standard, September 25, 1998.
- RR. OSHA Instruction [CPL 02-00-121](#), Providing Assistance to Smaller Employers, March 12, 1998.
- SS. OSHA Instruction [CPL 02-00-122](#), Enforcement Guidance for the U.S. Postal Service, April 16, 1999.
- TT. OSHA Instruction [CPL 02-00-124](#), Multi-Employer Citation Policy, December 10, 1999.
- UU. OSHA Instruction [CPL 02-00-125](#), Home-Based Worksites, February 25, 2000.
- VV. OSHA Instruction [CPL 02-00-135](#), Recordkeeping Policies and Procedures Manual (RKM), December 30, 2004.
- WW. OSHA Instruction [CPL 02-00-136](#), OSHA's National Emphasis Program (NEP) on Shipbreaking, March 16, 2005.
- XX. OSHA Instruction [CPL 02-00-139](#), Longshoring and Marine Terminals "Tool Shed" Directive, May 23, 2006.
- YY. OSHA Instruction [CPL 02-00-141](#), Inspection Scheduling for Construction, July 14, 2006.
- ZZ. OSHA Instruction [CPL 02-00-142](#), Shipyard Employment "Tool Bag" Directive, August 3, 2006.
- AAA. OSHA Instruction [CPL 02-00-149](#), Severe Violator Enforcement Program (SVEP), June 18, 2010.

- BBB. OSHA Instruction [CPL 02-02-035](#), 29 CFR 1910.95(b)(1), Guidelines for Noise Enforcement; Appendix A, December 19, 1983.
- CCC. OSHA Instruction [CPL 02-02-038](#), Inspection Procedures for the Hazard Communication Standard, March 20, 1998.
- DDD. OSHA Instruction [CPL 02-02-043](#), Chemical Information Manual, July 1, 1991.
- EEE. OSHA Instruction [CPL 02-02-054](#), Respiratory Protection Program Guidelines, July 14, 2000.
- FFF. OSHA Instruction [CPL 02-02-072](#), Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records, August 22, 2007.
- GGG. OSHA Instruction [CPL 02-02-073](#), Inspection Procedures for 29 CFR 1910.120 and 1926.65, Paragraph (q): Emergency Response to Hazardous Substance Releases, August 27, 2007.
- HHH. OSHA Instruction [CPL 03-00-004](#), Petroleum Refinery Process Safety Management National Emphasis Program, June 7, 2007.
- III. OSHA Instruction [CPL 04-00-001](#), Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- JJJ. OSHA Instruction [CSP 01-00-002](#), State Plan Policies and Procedures Manual, March 21, 2001.
- KKK. OSHA Instruction [CSP 02-00-002](#), Consultation Policies and Procedures Manual, January 18, 2008.
- LLL. OSHA Instruction [CSP 03-01-003](#), Voluntary Protection Programs (VPP) Policies and Procedures Manual, April 18, 2008.
- MMM. OSHA Instruction [CSP 03-02-002](#), OSHA Strategic Partnership Program for Worker Safety and Health, February 10, 2005.
- NNN. OSHA Instruction [CSP 04-01-001](#), OSHA Alliance Program, June 10, 2004.
- OOO. OSHA Instruction [FAP 01-00-003](#), Federal Agency Safety and Health Programs, May 17, 1996.
- PPP. OSHA Instruction [HSO 01-00-001](#), National Emergency Management Plan (NEMP), dated December 18, 2003.

- QQQ. OSHA Instruction IRT 01-00-007, The IMIS Enforcement Data Processing Manual for Use with the NCR Computer System, dated September 20, 1993.
- RRR. OSHA Instruction [TED 01-00-015](#), *OSHA Technical Manual*, January 20, 1999.
- SSS. Memoranda dated September 12 and 13, 2000 to the Regional Administrators from H. Berrien Zettler, Deputy Director, Directorate of Construction (via email) regarding transmittal of information on construction fatalities to the University of Tennessee.
- TTT. Memoranda dated May 14, 2003 and February 18, 2004 to the Regional Administrators from Deputy Assistant Secretary R. Davis Layne regarding transmittal of information on construction fatalities to the University of Tennessee.
- UUU. [Memorandum](#) dated December 16, 2003, to the Regional Administrators from Deputy Assistant Secretary R. Davis Layne regarding IMMLANG Procedures (available on the OSHA Intranet).
- VVV. [Memorandum](#) dated March 24, 2004 to Regional Administrators from Deputy Assistant Secretary R. Davis Layne regarding Procedures for Significant Enforcement Cases (available on the OSHA Intranet).
- WWW. *Frank Diehl Farms v. Secretary of Labor*, 696 F.2d 1325 (11th Cir. 1983).
- XXX. *Int. Union UAW v. General Dynamics Land Systems Division*, 815 F.2d 1570 (D.D. Cir. 1987).
- YYY. *Marion Stevens dba Chapman & Stephens Company*, [5 BNA OSHC 1395](#) (No.13535, 1977).
- ZZZ. *Darragh Company*, [9 BNA OSHC 1205](#), (Nos. 77-2555, 77-3074, and 77-3075, 1980).
- AAAA. *J. C. Watson Company*, [22 BNA OSHC 1235](#) (Nos. 05-0175 and 05-0176, 2008).
- BBBB. Iowa OSHA Instruction IACPL 2.103 IOSH Field Inspection Reference Manual, August 1, 2004
- CCCC. Code of Iowa
- DDDD. Iowa Administrative Code

EEEE. IOSH Instruction CPL 02-00-115 Procedures for Handling Complaints
May 11, 2006

FFFF. IOSH Instruction CPL 2.94 – IOSH Response to Significant Events of
Potentially Catastrophic Consequences September 29, 1997

GGGG. IOSH Instruction DIS 0-0.9 – Discrimination Investigation Manual
November 6, 2006

HHHH. IOSH Instruction IACSP 03-02-002 – IOSH Strategic Partnership
Program or Worker Safety and Health. July 1, 2005

IV. Cancellations.

- A. OSHA Instruction ADM 01-00-002, Administrative Subpoenas, August 19, 1991.
- B. OSHA Instruction CPL 02-00-045, Field Operations Manual, Chapter VI, Sections D. Handling Monies Received from Employers, and E. Debt Collection Procedures, March 3, 1995.
- C. OSHA Instruction CPL 02-00-045, Field Operations Manual, Chapter XI, Migrant Labor Camps, March 3, 1995.
- D. OSHA Instruction CPL 02-00-103, Field Inspection Reference Manual (FIRM), September 26, 1994.
- E. OSHA Instruction CPL 02-00-112, National Quick-Fix Program, August 2, 1996.
- F. OSHA Instruction CPL 02-00-114 Abatement Verification Regulation Enforcement Policies and Procedures, May 28, 1998.
- G. OSHA Instruction CPL 02-00-137, Fatality/Catastrophe Investigation Procedures, April 14, 2005.
- H. OSHA Instruction CPL 02-00-140, Complaint Policies and Procedures, June 23, 2006.
- I. Memorandum dated March 23, 1995, to the Regional Administrators from Deputy Assistant Secretary James W. Stanley regarding FIRM Change: Minimum Serious Willful Penalty.
- J. Memorandum dated June 21, 1996 to the Regional Administrators from Deputy Assistant Secretary Michael G. Connors regarding FIRM

Change: Mandatory Collection of OSHA-200 and Lost Workday Injury and Illness (LWDII) Data During Inspections.

- K. Memorandum dated July 13, 1999 to the Regional Administrators from Assistant Secretary Charles N. Jeffress regarding Child Labor: Probability Assessment and Good Faith Penalty Adjustment Considerations.
- L. Iowa OSHA Instruction IACPL 2.103, IOSH Field Inspection Reference Manual, August 1, 2004.
- M. OSHA Instruction CPL 02-00-149, Enhanced Enforcement Program (EEP), January 1, 2008.
- N. IOSH Instruction IACPL 02-00-148, IOSH Field Operations Manual, January 29, 2010.

V. Action Information.

A. Responsible Office.

Directorate of Enforcement Programs (DEP).

Division of Labor Services - Iowa Labor Commissioner

B. Action Offices.

National, Regional, and Area Offices.

Division of Labor Services - Iowa Labor Commissioner

C. Information Offices.

Division of Labor Services – Iowa Labor Commissioner, State Plan States, OSHA Training Institute, Consultation Project Managers, VPP Managers and Coordinators, OSHA Strategic Partnership Coordinators, Compliance Assistance Coordinators, Compliance Assistance Specialists, and Regional EEP Coordinators.

VI. State Impact.

- A. Notice of Intent, Adoption, and Submission of a Plan Change Supplement are required.
- B. By adopting this Iowa Specific Manual, Iowa is complying with the following Federal OSHA requirement. This instruction describes a Federal Program Change which consolidates and updates OSHA's field

enforcement policies and procedures. States must have, as a part of their State plan, formal written policies and procedures on all aspects of their compliance program, including inspections, targeting, citations, penalties, and post citation processes, which are at least as effective as the procedures in this revised Field Operations Manual (FOM). In adopting equivalent policies and procedures States must address each chapter and/or policy area in this manual. Significant changes to this manual are listed in section VII of this chapter.

States need not adopt the internal OSHA administrative procedures set out in this manual, such as those relating to organizational structure and such matters as penalty collection, but must include documentation of their own comparable internal administrative procedures and processes. These will necessarily differ from those of Federal OSHA.

- C. States must notify OSHA within 60 days whether their enforcement policies will be identical to or different from those in this Instruction. State policies and procedures must be adopted within 6 months of issuance of this Instruction. Each State must both submit a copy of its revised Field Operations Manual as a plan change supplement to OSHA, preferably in electronic format, with a comparison document clearly identifying any differences from the revised FOM, within 60 days of adoption, and either post its equivalent State Field Operations Manual on its State plan website and provide the link to OSHA or provide OSHA with information on how the public may obtain a copy. OSHA will post information on the State responses to this Instruction on its website.

VII. Significant Changes.

A. Corrective Changes made by the March 2012 Edition.

1. Throughout the manual several editorial and typographical corrections were made as well as the following clarifications.
2. Chapter 1, paragraph III.AAA, References the OSHA Instruction CPL 02-00-149, Severe Violator Enforcement Program (SVEP), June 18, 2010.
3. Chapter 1, paragraph IV.M, Cancels OSHA Instruction CPL 02-00-145 Enhanced Enforcement Program (EEP), January 1, 2008.
4. Chapter 7, section XII.B: Paragraph added which describes the implementation of the Severe Violator Enforcement Program.
5. Chapter 9, section I.I.6: Clarifies that current employees and current employee representatives may request an inspection

when disputing an employer's response to an inquiry. OSHA may schedule an inspection in accordance with the Criteria Warranting an Inspection.

B. Chapter 2. Program Planning.

1. The title of this chapter has been changed from Pre-Inspection Procedures to Program Planning.
2. Section II: Office responsibilities have been expanded and defined.
3. Section III: A section has been added to cover OSHA Cooperative Programs Overview.
4. Specific information regarding Complaints and Referrals has been removed from this chapter.
5. Specific information regarding Inspection Preparation has been removed from this chapter.
6. Paragraph IV.D. A section has been added to address Enforcement Exemptions and Limitations.
7. Paragraph IV.E.: A section has been added to address Preemption by a Federal Agency.
8. Paragraph IV.F.: A section has been added to address enforcement activity at the United States Postal Service.
9. Paragraph IV.G.: A section has been added to address Home-Based Worksites.
10. Section VI.H.4.a.: A provision has been added defining "other critical inspections as determined by the Labor Commissioner" to include referrals, although not limit only to referrals.

C. Chapter 3. Inspection Procedures.

1. This replaces the majority of Chapter II of the FIRM, Inspection Procedures.
2. Paragraph II.A.1.: Inspection planning requires an establishment search using the IMIS database.

Paragraph II.A.2.: This paragraph reserved.

3. Paragraph II.D.: Expanded guidance is provided on compliance officer safety and health.
4. Paragraph III.A.: The definition of a comprehensive inspection is revised to “a substantially complete and thorough inspection of all potentially hazardous areas of the establishment.”
5. Paragraph IV.H.: The strike or labor dispute section has been revised to emphasize that CSHOs must make every effort to ensure that their actions are not interpreted as supporting either side.
6. Paragraph V.A.: The CSHO is required to review any written hazard assessment that the employer has made in compliance with §1910.132(d) to determine appropriate personal protective equipment.
7. Paragraph V.D.: Expanded guidance is provided on review of voluntary compliance programs, including on-site consultation, SHARP, and VPP.
8. Paragraph VI.A.: Revised guidance is provided on collection of employer injury and illness data and calculation of the DART rate.
9. Paragraph VIII.B.2.: Extensive guidance is provided on interviews of non-managerial employees.

D. Chapter 4. Violations.

1. This chapter replaces section C, Violations, of Chapter III of the FIRM.
2. Paragraphs I.A.3. and 4: The definition and application of horizontal and vertical standards have been revised and clarified.
3. Paragraph II.C.: The discussion of the four factors involved in determining a serious violation has been expanded and clarified, with examples.
4. Section III: The elements of a general duty clause violation are given an expanded discussion, with examples.
5. Paragraph III.D.: Additional clarification is provided on limitations of use of the general duty clause, with examples.

6. Section V: Expanded and clarified guidance is provided on willful violations, with examples.
7. Section VI: Updated guidance is provided for criminal/willful violations.
8. Paragraph VII.A.2.: Violations cited by other State Plan States and Federal OSHA cannot be used as a basis of Iowa OSHA repeat violations. Only violations that have become a final order of the Employment Appeal Board are to be considered.
9. Paragraph VII.E.1.: Clarification is provided on time limitations for citing repeat violations.
10. Paragraph VII.G.: Responsibilities of the Administrator in citing repeat violations are clarified.
11. Section VIII: De minimis *violations* are corrected to de minimis *conditions*.
12. Paragraph X.C.: Clarifies when not to group or combine violations.
13. Sections XI., XII., XIII., and XIV: Guidance on citing health standard violations has been updated.

E. Chapter 5. Case File Preparation and Documentation.

1. This chapter replaces section A., Four Stage Case File Documentation, and section B., Specific Forms, of Chapter III, and section C., Citations, of Chapter IV of the FIRM.
2. Paragraph XII.A.1: Clarifies Inspection Records and directs the reader to Appendix A of this Chapter for detailed information on Case File contents and organization.
2. Paragraph X.A.: Expanded guidance is provided on Inspection Case File Activity Diary Sheet.
3. Paragraph XI: Clarification is provided on Statute of Limitation for issuance of citations.
4. Paragraph XII.C.: Expanded guidance is provided on Classified and Trade Secret Information.

F. Chapter 6. Penalties and Debt Collection.

1. This chapter replaces Section C. of Chapter IV of the FIRM.
2. Paragraph II.C.4: Has been clarified to state that proposed penalties for posting violations shall not be less than \$100.
3. Paragraph III.B.2.c.: A provision requiring documentation in the case file if the Administrator approves a partial reduction for *Size* for small employers (1-25 employees) is added.
4. Reserved
5. Paragraph III.B.4.a.: A provision clarifying that the *History* reduction factor may be applied.
6. Paragraphs III.B.4.c. second bullet and X.C.2.c.: A *History* reduction will no longer be given to employers being cited for failure to certify abatement.
7. Reserved
8. Paragraph VI.B.: A note has been added to clarify that the second *Size* chart applies only to serious willful violations.
9. Paragraph VI.C.2.: The reduction factor for *History* is allowed for penalties for regulatory violations that are classified as willful; this is in addition to the reduction factor for *Size* that has been allowed.
10. Paragraph X.C.2.c. and 3.b.: A change has been made to abatement verification policy to not allow a *History* reduction to employers being cited for any IAC 875-3.19 violation.
11. Paragraph X.D.2.: A clarification has been added to the Part 1904 provision that the Repeated and Willful penalty policies of paragraphs V.D. and VI.C., respectively, are applicable to recordkeeping violations.
12. Section XIII replaces section D of Chapter VI of the prior Field Operations Manual (FOM), CPL 02-00-045, regarding Handling Monies Received from Employers.
13. Section XIV clarifies Debt Collection Procedures.
14. Reserved

15. Paragraph XIII.B.3.: Adjustment to Payments – If a check is unsigned it shall be deposited.
16. Reserved
17. Paragraph XIII.C.: Returning Penalty Payments – Refund requests will be handled by the Division of Labor Services through the Iowa Workforce Development - Financial Management.
18. Paragraph XIV.C.: Notification Procedures – Referencing the “Notice” as the first demand letter has been removed. All subsequent references to second or third demand letters have also been removed.
19. Paragraph XIV.D.: Notification of Overdue Debt – Demand letters do not have to be mailed via certified mail. They may be mailed using regular mail. Also, demand letters may be faxed if it is verified that the company received the fax.
20. Paragraph XIV.D.2.: Contested Case with Penalties – Instead of sending a demand letter to the employer, the Administrator may send a letter, which notifies the employer that the debt is now past due.
21. Reserved
22. Paragraph XIV.H.: Uncollectible Penalties – A provision is added for dealing with debts that the Office may deem as uncollectible.
23. Reserved
24. Reserved
25. Reserved

G. Chapter 7. Post-Citation Procedures and Abatement Verification.

1. Reserved
2. Section II: Provides policies and procedures for informal conferences; policies and procedures for settlement of cases is in Chapter 8.
3. Paragraph II.B.: Provides guidance on the attendance of the employer’s attorney at the informal conference.

4. Paragraph II.F.2.b.: Specifically prohibits any discussion of possible criminal referrals in fatality cases during the informal conference.
5. Section III: Provides updated policies and procedures on Petitions for Modification of Abatement Date.
6. Reserved
7. Paragraph IV.A.: Provides an expanded definitions section, including definitions of the terms *Abatement* and *Abatement Dates*.
8. Sections V through VIII: Provide expanded guidance on citations for violations of Iowa Administrative Code 875 – 3.19.
9. Paragraph XI.C. and paragraph XII: Provide policy on follow-up inspections for employer failure to verify abatement under IAC 875 – 3.19.

H. Chapter 8. Settlements.

This chapter incorporates the Settlement policies and procedures that currently exist in the FIRM as updated, except that Iowa Code 88.14 settlements will be handled in accordance with established agency procedures.

I. Chapter 9. Complaint and Referral Processing.

1. Note referencing IOSH CPL 02-00-115 added to the beginning of the chapter.
2. Paragraph I.A.1.: The definition of *complaint* has been clarified to include only present employees, not past employees.
3. Paragraph I.A.2.a.: The potential harm necessary to file a complaint has been clarified to include health harm as well as physical harm.
4. Paragraph I.A.8.: The OSHA-90 form has been identified as the proper form in which to use the coding identified under the referral sources.
5. Paragraph I.F.2.b.: This paragraph explicitly states that information received via telephone from a current employee or

representative of employees is considered a non-formal complaint until a signed copy of the information is received.

J. Chapter 10. Industry Sectors.

1. Agriculture.

- a. OSHA's main policies and procedures in the agriculture industry are gathered together for the first time.
- b. Paragraph I.E: Coverage of pesticides by OSHA and EPA are addressed, including use of the Hazard Communication standard.
- c. Paragraph I.F: OSHA's shared authority with the Wage and Hour Division of ESA is discussed.

2. Construction.

[Reserved]

3. Maritime.

[Reserved]

K. Chapter 11. Imminent Danger, Fatality, Catastrophe and Emergency Response.

- 1. This chapter incorporates and replaces OSHA Instruction CPL 02-00-137, Fatality/Catastrophe Investigation Procedures, April 14, 2005.
- 2. Section III. A section on rescue operations and emergency response has been added.

L. Chapter 12. Specialized Inspection Procedures.

1. Multi-Employer Workplace/site Policy.

[Reserved]

2. Temporary Labor Camps.

- a. This section cancels Chapter XI of OSHA Instruction CPL 2.45B, Field Operations Manual (the old FOM). Chapter XI

was not cancelled by IACPL 2.103, Field Inspection Reference Manual (FIRM), when it was issued August 1, 2004.

- b. Paragraph II.A.: A provision has been added to clarify that OSHA's §1910.142 Temporary Labor Camp standards apply to non-agriculture workplaces as well as to agriculture workplaces.
- c. Paragraph II.C.: A section has been added describing the shared responsibility between OSHA and the Wage and Hour Division.
- d. Paragraph II.E.: A provision has been added that discusses when other Part 1910 standards may be cited for hazards that are not covered by §1910.142 for non-agriculture housing.

M. Chapter 13. Federal Agency Safety and Health Programs.

[Reserved]

N. Chapter 14. Health Inspection Enforcement Policy.

[Reserved]

O. Chapter 15. Legal Issues.

- 1. Reserved
- 2. Reserved
- 3. Section XIV: Clarifies Iowa's Enforcement of a Citation and Notice of Penalty Procedures

P. Chapter 16. Disclosure under the Freedom of Information Act (FOIA).

[Reserved]

VIII. Background.

The Field Inspection Reference Manual (FIRM) was revised and issued August 1, 2004 and replaced the previous FIRM. Since that time, the FIRM has not been revised, but has been supplemented and modified by numerous additional directives, memorandums, and interpretations.

This Instruction, the Iowa OSHA Field Operations Manual, incorporates and replaces the FIRM and many of the subsequent directives and memoranda, and provides a single, updated source of instruction on general OSHA enforcement policies and procedures.

The FOM is designed to be updated on a regular basis by amending chapters or sections thereof to embody modifications and clarifications to OSHA's general enforcement policies and procedures.

IX. Definitions and Terminology.

A. The Act.

This term refers to the Occupational Safety and Health Act of 1970 (29 United States Code 651). For use in this manual (the) Act may refer to Iowa Legislation found in Iowa Code Chapter 88.

B. Compliance Safety and Health Officer (CSHO).

This term refers to Safety Engineers, Safety Compliance Officers, and Industrial Hygienists.

C. He/She and His/Hers.

The terms *he* and *she*, as well as *his* or *her*, when used throughout this manual, are interchangeable. That is, male(s) applies to female(s), and vice versa.

D. Professional Judgment.

All OSHA employees are expected to exercise their best judgment as safety and health professionals and as representatives of the State of Iowa Division of Labor Services in every aspect of carrying out their duties.

E. Workplace and Worksite.

The terms *workplace* and *worksite* are interchangeable. *Workplace* is used more frequently in general industry, while *worksite* is more commonly used in the construction industry.

